

**UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

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PREFERRED CAROLINAS REALTY, INC.,)	
)	
Plaintiff,)	
v.)	
)	Civil Action No. 1:13-cv-00181
)	
AMERICAN HOME REALTY NETWORK,)	
INC., D/B/A NEIGHBORCITY.COM,)	
)	
Defendant.)	
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DEFENDANT’S RULE 26(f) REPORT

In accordance with Local Rules (“L.R.”) 16.1(b) and 16.3, Defendant, by counsel, submits its Rule 26(f) Report as follows:

1. Pursuant to Fed.R.Civ.P. 26(f) and L.R. 16.1(b), a meeting was held on Monday, June 10, 2013 by telephone and was attended by Bryan T. Simpson and Scott E. Murray for Plaintiff(s), and Larry McDevitt, Heather Whitaker Goldstein, Richard S. Toikka, Russell O. Paige, and Rachel L.T. Rodriguez for Defendant(s).

2. Discovery Plan. The undersigned party proposes to the Court the following discovery plan:

Discovery will be needed on all matters discoverable under Fed. R. Civ. P. 26 related to the Claims in Plaintiff’s Complaint and the Denials and Defenses in Defendant’s Answer.

Discovery shall be placed on a case-management track established in LR 26.1.

Undersigned party asserts that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as:

Standard _____

Complex _____

Exceptional X

The dates for the completion of all discovery (general and expert) are: For factual discovery, Defendant proposes completion by February 7, 2014, and for expert discovery, by March 24, 2014.

Stipulated modifications to the case management track include: None at this time.

Reports from retained experts under Rule 26(a)(2) are due during the discovery period:

Opening Expert Reports From Plaintiff by February 21, 2014; and

Rebuttal Expert Reports From Defendant by March 24, 2014.

Supplementations under Rule 26(e) are due: seasonably as becomes necessary during the discovery period.

3. Defendant asserts there is a need for coordination in discovery with two other related copyright infringement cases: Civil Action Nos. 8:12-cv-00954-AW, *Metropolitan Regional Information Systems, Inc. v. American Home Realty Network, Inc.* (D. Md) and 12-cv-0965 JRT/FLN, *Regional Multiple Listing Svc. Of Minn., Inc. d/b/a NorthstarMLS v. AHRN, et al.* (D. Minn.) and will endeavor to do so to the extent reasonably possible to avoid costly and time-consuming duplicative discovery. See April 8, 2013 Order of Judicial Panel for Multidistrict Litigation, attached as Exhibit A.

Defendant seeks timely conference with Plaintiff regarding the handling of electronically stored information (“ESI”) and general document retention policies for the pendency of this litigation, in accordance with Local Rule 16.1(f). Defendant also proposes that the general Stipulation and Order Regarding Discovery as negotiated in the related cases, attached as Exhibit B, be negotiated and entered in this case. Defendant also urges Plaintiff to confer regarding the entry of a Stipulated Protective Order to protect confidential information and a Fed. R. Evid. 502(d) Stipulation and Clawback Order.

4. Mediation.

If Mediation is conducted it should be occur late in the discovery period after the development of a meaningful factual record, the exact date to be set by the mediator after consultation with the parties. The parties will agree upon a mediator no later than three (3) weeks prior to the beginning of mediation.

5. Preliminary Deposition Schedule. The undersigned party asserts it is too early to set a schedule for depositions, but generally proposes that depositions shall be taken after a reasonable period of time for the production of documents.

The parties will update this schedule at reasonable intervals.

6. Other items.

At this stage, Defendant is not aware of additional parties to be joined to this matter, but the identities of such additional parties may become apparent during or after discovery. Thus, the parties should be allowed until March 24, 2014 to join additional parties.

After March 24, 2014, the Court will consider, *inter alia*, whether the granting of leave would delay trial, and the parties shall seek leave to modify the discovery plan to accommodate additional discovery required with respect to the joining of additional parties.

The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. § 636(c), or appointment of a master: The parties do not consent to such referral or appointment except for discovery matters.

Trial of the action is expected to take two weeks; however, this estimate shall be revised as appropriate upon further discovery taken in the case. A jury trial has been demanded by Defendant.

Date: June 21, 2013

THE VAN WINKLE LAW FIRM

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CERTIFICATE OF SERVICE

I certify that on June 21, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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